

**PLANNING AND ZONING COMMISSION  
STAFF REPORT**

**August 3 of 2006**



**PE 06-04: Nathan Winchester and Tom Allen**

**CASE DESCRIPTION:** request for approval of an exception from standards of the Subdivision Ordinance requiring lots of one acre or more in size in Bryan's extraterritorial jurisdiction (ETJ) to be a minimum 150 feet in width, to allow up to five lots in a planned subdivision to be less than 150 feet in width

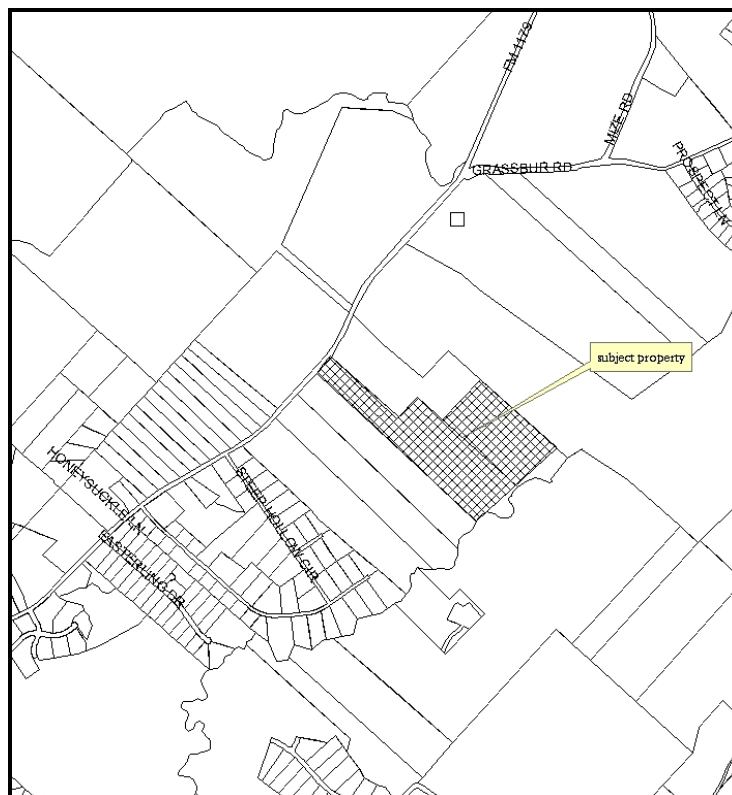
**LOCATION:** approximately 64 acres land located on the south side of FM 1179, extending approximately 1800-2100 feet east from its intersection with Steep Hollow Circle in Bryan's eastern ETJ (planned Oak Hill Estates subdivision)

**EXISTING LAND USE:** vacant acreage

**APPLICANT(S):** Nathan Winchester and Tom Allen

**STAFF CONTACT:** Martin Zimmermann, Project Planner

**SUMMARY RECOMMENDATION:** Staff recommends **approving** the requested exception.



***[INSERT SITE PLAN HERE]***

## **BACKGROUND:**

The applicants are in the process of acquiring 64+ acres of land along the south side of FM 1179 in Bryan's eastern ETJ. They desire to develop this acreage with single-family home sites. They are proposing to divide this acreage into 41 lots of at least one acre in size.

The City of Bryan's Subdivision Ordinance requires lots of one acre or more in size in the ETJ to be at least 150 feet in width. The applicants are seeking approval of an exception from this standard, to be able to create as many as five lots in a planned subdivision (now identified as Oak Hill Estates), which are each proposed to be less than 150 feet in width, the smallest of which would be approximately 56 feet wide. These five lots are identified as Lots 20, 27, 28, 37 and 38 on the accompanying site plan.

## **ANALYSIS:**

The Planning and Zoning Commission may authorize exceptions from standards of the Subdivision Ordinance. The Planning and Zoning Commission may authorize such exceptions when, in its opinion, compliance would not be in the public interest. In granting an exception, the Planning and Zoning Commission shall prescribe only conditions that it deems necessary or desirable in the public interest.

In making its findings, the Planning and Zoning Commission shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such exception upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity.

No exception shall be granted unless the Planning and Zoning Commission finds:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of the standards would deprive the applicant of the reasonable use of the land.

**The Subdivision Ordinance's requirement for minimum 150-foot lot widths for lots of one acre or more in size intends to prevent the creation of tracts with only limited frontage on adjacent streets. The objective is to prevent the emergence of large tracts with minimal frontage and extraordinary depth.**

**While the aforementioned objective is still valid, in this particular case, staff believes the specific configuration and topographic features of the subject acreage, portions of which are only 300 feet wide but more than 3,000 feet in depth, poses a challenge to developing this tract in conformance with all applicable subdivision regulations. All five lots for which the applicants are seeking an exception from the minimum 150-foot lot width requirement are located at the end of cul-de-sac streets. While proposed Lots 27 and 28 are located near an existing pond, proposed Lots 20, 37 and 38 are located near a flood plain.**

**Staff believes that allowing all five proposed lots to be less than 150 feet wide, in this particular case, will still allow these lots to be useful home sites, as all five will be large enough to accommodate a single-family home while leaving ample open space, for example, for outdoor recreation, around the margin of each home. Denying this requested exception would reduce the number of lots in this proposed subdivision by at least three (possibly more) due to the aforementioned pond and nearby flood plain.**

2. That the exception is necessary for the preservation and enjoyment of the property.

**Staff believes that the specific configuration and topographic features of the subject acreage justify the requested exception from the minimum 150-foot lot width standard of the Subdivision Ordinance. Staff believes that the effect of these five lots being less than the minimum required 150 feet in width may be offset by their extraordinary depth of between 301 and 556 feet.**

3. That the granting of the exception will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area.

**Staff believes that granting the exception will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area.**

4. That the granting of the exception will not have the effect of preventing the orderly subdivision of adjoining land in the vicinity in accordance with the provisions of this Ordinance.

**Staff believes granting of the exception will not have the effect of preventing the orderly subdivision of adjoining land in the vicinity in accordance with the provisions of the Subdivision Ordinance.**

#### **RECOMMENDATION:**

Staff recommends **approving** the requested exception.